

**2016 Annual Report on**



# **Substance Abuse Testing by Maine Employers**

**March 2017**

**Submitted to the Maine Legislature by  
Maine Department of Labor  
Bureau of Labor Standards**

# Substance Abuse Testing By Maine Employers 2016

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This publication is available at:  
[http://www.maine.gov/labor/labor\\_stats/publications/substanceabuse/](http://www.maine.gov/labor/labor_stats/publications/substanceabuse/)

## Scope

The Maine Department of Labor (MDOL) is submitting this report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development in accordance with the Maine Substance Abuse Testing Law, Title 26 M.R.S.A. §690. The Maine Substance Abuse Testing Law is intended to protect the privacy rights of employees, yet allow an employer to administer testing, to ensure proper testing procedures, to ensure that an employee with a substance abuse problem receives an opportunity for treatment, and to eliminate drug abuse in the workplace. The law was initially enacted in 1989 and was amended by the Legislature in 1995, 1999, 2001, 2003, 2005, 2007, 2009 and 2011.

This report pertains only to employer testing activities performed under Maine Law; it is not a comprehensive study of workplace substance abuse testing because it does not include individuals who are tested under federal testing programs, which are outside the scope of Maine's testing law. Further, it does not include non-federally regulated employee testing data from some employers who have been exempted under the most recent amendment to the Maine law.

## Practice

The administration of the Maine Drug Testing Law is a collaborative effort of the following agencies:

### **Maine Department of Labor, Bureau of Labor Standards (BLS)**

Reviews and approves substance abuse testing policies.  
Collects the annual reports of substance abuse testing.  
Analyzes testing data and publishes this annual report.

### **Department of Health and Human Services, Health and Environmental Testing Laboratory**

Responsible for the licensing of laboratories that Maine employers can use for testing of controlled substances. For a list of approved testing laboratories, contact the Maine Department of Labor.

### **Department of Health and Human Services, Division of Licensing and Regulatory Services**

Any employer with more than 20 full-time employees must have a functioning Employee Assistance Program (EAP) prior to testing their employees, as stated in Title 26 M.R.S.A. §683, 1. The EAP must be certified by the Department of Health and Human Services and certification must be renewed every two years.

Any employer desiring to undertake substance abuse testing of current or prospective employees, other than those tested under federal regulations, must submit a substance abuse testing policy to the Maine Department of Labor. An employer may not commence testing until the MDOL has notified the employer that the policy has been approved and the employer has given proper notice to its employees.

Policy templates developed by the Maine Department of Labor help employers develop substance abuse policies for their workplaces and make it easier for the MDOL to review company policies. The current policy templates are available on the MDOL website:

[www.maine.gov/labor/labor\\_laws/substance\\_abuse\\_testing](http://www.maine.gov/labor/labor_laws/substance_abuse_testing).

## Survey

Each employer with a drug testing policy approved by the Maine Department of Labor (see Appendix 1) is required to report its testing activities annually. This is accomplished via a mandatory survey conducted by the Department. Survey notices are presented to all employers with active policies at the beginning of each year to ensure accurate data collection of all testing done in the previous year.

Information gathered from the survey includes the number of tests by type (applicant, probable cause or random/arbitrary), the substances tested for, and the number of positive tests for each substance. Survey data are processed directly into this report.

## Results by Type of Test

Table 1 provides the results of employer drug testing in 2016 based on the types of drug tests that were taken. They include:

### Applicant Testing

Applicant testing is for individuals who have been offered employment with a company or placed on a roster of eligibility for employment. Testing is conducted before the individual is hired.

### Employee Testing—Probable Cause

Probable cause testing is conducted where reasonable grounds exist to believe that an existing employee may be under the influence of a substance of abuse.

### Employee Testing—Random/Arbitrary

Random testing is a method of selection in which all employees have an equal potential of selection by random chance. Some employers with random testing policies select from their pool of safety or performance sensitive positions, while most employers include all employees in the selection process. Arbitrary testing is based on criteria unrelated to substance abuse, such as the anniversary of hire date.

**Table 1: Results by Test Type****Maine, 2016**

	<b>Applicant Tests</b>	<b>Applicant Percent Positive</b>	<b>Probable Cause Tests</b>	<b>Probable Cause Percent Positive</b>	<b>Random/Arbitrary Tests</b>	<b>Random/Arbitrary Percent Positive</b>
<b>Total Tests</b>	<b>19,956</b>		<b>24</b>		<b>1,040</b>	
<b>Total Invalid Tests<sup>1</sup></b>	<b>47</b>	<b>0.2%</b>	<b>0</b>	<b>0.0%</b>	<b>1</b>	<b>0.1%</b>
<b>Total Positive Results<sup>2</sup></b>	<b>962</b>	<b>4.8%</b>	<b>13</b>	<b>54.2%</b>	<b>44</b>	<b>4.2%</b>
Cannabinoids	877	91.2%	7	53.8%	34	77.3%
Amphetamines	37	3.8%	3	23.1%	3	6.8%
Opiates	17	1.8%	1	7.7%	1	2.3%
Cocaine	15	1.6%	0	0.0%	0	0.0%
Methadone	7	0.7%	0	0.0%	1	2.3%
Alcohol	4	0.4%	1	7.7%	0	0.0%
Barbiturates	3	0.3%	0	0.0%	0	0.0%
Benzodiazepines	2	0.2%	1	7.7%	2	4.5%
Phencyclidine	0	0.0%	0	0.0%	0	0.0%
Methaqualone	0	0.0%	0	0.0%	0	0.0%

<sup>1</sup> Invalid tests include those with discrepancies that could involve specimen acquisition, sample protection, chain of custody, security, or validation of testing / analytical equipment or procedures. In some cases, invalid tests can be re-taken.

<sup>2</sup> Positive test results only include results reported as positive by the testing laboratories; they do not include instances where an employer allows positive tests to be reported as negative when an individual tested positive for a specific substance and was able to validate they had a prescription or a medical marijuana registration card authorized by a healthcare professional.



































## Appendix 1 – Employers with approved substance abuse testing policies

Employers with active policies in 2016	Applicant Testing Approved	Probable Cause Testing Approved	Random or Arbitrary Testing Approved	2016 Survey Response
Paychex, Inc.	6/15/2007	7/23/2008		YES
PC Construction Company	5/26/1998			YES
Peer Technical Group, LLC	7/15/2011			NO
Pegasus Cleaning Corp.	2/15/2007			YES
Penobscot County Sheriff's Office	8/11/1998			YES
Penobscot Energy Recovery Company	6/3/1992			YES
Penobscot Job Corps Center	11/8/2006			YES
Penobscot Regional Communications Center	1/27/1999			YES
Performance Food Group, Inc.	9/19/1990			YES
PharmaLogic ME	3/29/2002	12/3/2003	12/3/2003	YES
Pike Industries, Inc.	10/5/2011	10/5/2011		YES
Pine Environmental Services, LLC	11/16/2007			YES
Pine State Trading Company	8/2/2005			YES
Pineland Farms Potato Company, Inc.	11/18/2005			YES
Pioneer Wireless			6/21/2012	YES
Piscataqua Landscaping & Tree Service Co., Inc.	12/5/2013	2/20/2014	2/20/2014	YES
Plum Creek Timber Company	10/15/1998			NO
PM Construction Co., Inc.	2/24/2012			YES
Poland Spring Bottling Co.	6/8/1999			YES
Polycor New England	4/28/2015			YES
Portland Fish Exchange, Inc.	6/3/2003			YES
Portland Water District	9/4/2002			YES
Power Generation Consultants, Inc.			11/13/2014	YES
Pratt & Whitney	6/22/1990	6/22/1990		YES
Prime Industrial Recruiters	1/27/2016			NO
Pro Search, Inc.	10/24/2007			YES
Procter and Gamble Tambrands, Inc.	1/13/1999			YES
Professional Teleconcepts, LLC	2/4/2014			YES
Protection Response Training, LLC	9/20/2012			NO
Prudential	11/1/2005			YES
PSC Industrial Outsourcing	11/10/1993		11/16/1998	YES
QuantumClean	3/21/2012			YES
R. Pepin and Sons, Inc. / Pepin Precast, LLC	2/24/2016	3/16/2016		YES
R.A.D Sports	5/7/2015			YES
Radiodetection Corp./SPX	9/5/2003			YES
Ransom Consulting, Inc.	9/11/2008	9/11/2008	9/11/2008	NO

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Real Soft, Inc.	6/11/2015			YES
Reed & Reed, Inc.	6/25/1992	5/9/2007	8/12/2015	YES
ReEnergy Biomass Operations, LLC	5/14/2008	5/14/2008	5/15/2013	YES
Re-Harvest, Inc.	5/28/2008			YES
Remedy Compassion Center, Inc.	1/3/2011	1/3/2011		YES
Residence Inn Downtown Portland	5/11/2009			NO
Resource Real Estate Management, Inc.	7/9/2009			NO
RN Network	11/30/2012			NO
Rock Coast Personnel	9/18/2014			YES
Rockland Marine Corp.	1/24/2007			NO
RTS Packaging, LLC	7/14/2011	10/5/2011		YES
RxAnte, LLC	6/15/2015		6/15/2015	YES
Safe Alternatives	5/13/2011			YES
Safe Approach, Inc.	12/15/2015		12/28/2015	NO
SAGE Dining Services, Inc.	9/11/2011			YES
Salmon Falls Nursery, Inc.	2/26/2013	3/26/2013		YES
Salt Associates, LLC	5/19/2014			YES
Sanborn Head & Associates, Inc.		6/6/2011	6/6/2011	YES
Sanel Auto Parts	12/6/2007	12/6/2007		YES
Sappi Fine Paper (Somerset)	1/22/2015	12/30/1993		YES
Sappi Fine Paper (Westbrook)	4/29/1991	12/30/1993		YES
Sargent Corp.	4/17/1996			YES
SBA Network Services, LLC	2/4/2004	9/4/2004	9/4/2004	YES
SBM Site Services, LLC	6/16/2009			YES
Scarborough, Town of	2/25/2003			YES
Schnitzer Steel Industries, Inc.	4/5/2007			YES
Scholastic Book Fairs	5/2/2001	5/2/2001	5/2/2001	YES
Scientific Games	10/15/2013			NO
ScribeAmerica, LLC	4/25/2013			YES
Seaboard Security	9/15/2004	2/19/2008	2/19/2008	YES
Seacoast Angels		8/1/2013		NO
Securitas Security Services USA	9/15/2004			YES
Security Shredding, Inc.	1/4/2010	1/4/2010	5/14/2010	NO
Select Rehabilitation	1/6/2015			YES
Senior Operations, LLC	12/4/2008	12/4/2008	12/4/2008	NO
Shaw's Supermarkets, Inc./Wells Distribution Center	6/10/2000	10/9/2008		YES
Shaw's Supermarkets/Stores Only	11/18/2005			YES
Silver's Auto Parts, Inc.	6/9/2011			YES

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Skowhegan, Town of	8/28/1998			YES
Smart Transportation	1/5/2016			YES
Smith & Wesson Corp.	3/27/2003			YES
Sodexo Inc.	3/3/2008			YES
Software Folks	6/16/2015			NO
Somerset County	3/23/2016			YES
Somic America	9/17/1999			YES
Sonoco Products Company	7/31/1991	6/4/2013		YES
South Portland, City of	11/7/2006			YES
Specialty Minerals, Inc.	4/6/1996	4/3/1997		NO
Spectraforce Technologies, Inc.	2/19/2016			NO
Spectrum Staffing Solutions, LLC	1/24/2014			NO
Sprague Operating Resources, LLC	4/13/1995			NO
Springborn Staffing/Industrial Staffing	11/15/2005			YES
Spudnik Equipment Company, LLC	8/16/2005	9/10/2013	9/10/2013	YES
St. Mary's Health System	7/19/1995			YES
Staff Management	1/20/2004			NO
Standard Waterproofing, Inc.	4/13/1998	5/17/2011		YES
Standard, The	3/25/2003			NO
Star West Generation Management Company	4/25/2016			YES
Station Class Constructors, Inc.	1/26/2001	2/6/2001	2/6/2001	YES
Steam Turbine Services, Inc.	2/18/2010	12/18/2014		YES
Steel Pro, Inc.	2/8/2016			YES
Steele CIS, LLC	2/17/2016			YES
Strom Engineering of Florida, Inc.	4/8/2015			YES
Sullivan & Merritt Constructors, Inc.	5/18/1993			YES
Susan J. Szwed P.A.	8/8/2013			YES
T&D Timber Products	2/27/2015	2/27/2015		NO
Target Corp.	7/9/2001			YES
Tate & Lyle Ingredients America, Inc.	5/2/2008			YES
TD Bank	6/5/2009			YES
Ted Berry Company, Inc.	4/17/2013			YES
TEMPO Employment Services	3/3/2008			YES
Texas Instruments	12/22/1999			YES
The Aroostook Medical Center (TAMC)/EMHS	11/15/2010			YES
The Hynes Group	1/29/2015	1/28/2015		YES
The Press Hotel	3/10/2015	3/10/2015		YES

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Thermo Fisher Scientific	3/26/2015			YES
Tilson Technology Management, Inc.	11/4/2013	11/19/2013		YES
Time Warner Cable	1/20/2004			YES
Tiqa, LLC	6/4/2014			YES
Titan Machine Products	9/9/2009			NO
Topp Knotch Personnel, Inc.	5/27/2015			NO
Townsend Tree Service	5/7/2012			YES
TPD Construction Co., Inc.		2/28/2012		YES
Tracer Construction, LLC	3/19/2009			NO
Trans-Tech Industries, Inc.	9/27/2000			YES
Trask-Decrow Machinery, Inc.	7/2/2008	10/9/2013		YES
Travelers Insurance	7/24/1990			YES
Tri-State Staffing, Inc.	7/6/2012			YES
True Textiles, Inc.	1/26/1999			YES
TrueBlue	3/26/2013			YES
Turbine Generator Maintenance, Inc.	11/3/2010			YES
Twin City Tire	1/13/2016		1/19/2016	YES
Twin Rivers Paper Company, LLC	4/15/1994	3/28/2014	9/23/1998	NO
U.S. Cellular	5/5/2000			YES
U.S. Intermodal, Inc.	4/20/2016			YES
Unified Parking Partners Maine and NH, LLC	12/2/2013	12/29/2015		YES
Unifirst Corp.	5/20/1993			YES
Union Farm Equipment	4/30/2014			YES
Uniship Courier Services, LLC	4/25/2011			YES
UnitedHealth Group	6/1/2016			YES
V.I.P., Inc.	10/4/2011			YES
Veritiv Corp.	7/21/1993			YES
Vermont Mutual Insurance Group	5/25/2011			NO
Verso Corp. (Androscoggin Mill)	11/5/1990	6/9/1994		YES
Ver-Tran, Inc.			2/27/2013	YES
Vescom Corp.	5/18/1993			NO
Vestas-American Wind Technology	7/9/2010			NO
Vic Firth Company	8/12/2013			NO
Volk Packaging Corp.	8/17/2006			YES
VOLT Workforce Solutions	2/17/2012			YES
Von Mehl Company, Inc.	7/15/2014	7/15/2014	7/15/2014	NO
Waldron Group of Companies	2/7/2007			NO
Walgreen Co.	4/22/2010			NO



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Wal-Mart Stores, Inc.	3/31/1998			NO
Walpole Outdoors	2/12/2001			YES
Wausau Financial Systems, Inc.	11/23/2015			YES
Wayfair Maine, LLC	6/2/2016			YES
Wellness Connection of Maine	6/19/2015	6/19/2015		YES
WGME, Inc.	1/29/2008			YES
Woodard & Curran, Inc.	9/8/2010			YES
Woodland Pulp, LLC & St. Croix Tissue	7/31/1991	6/22/2001	2/9/2009	YES
Wright-Pierce	2/28/2012			YES
Wright-Ryan Construction, Inc.	2/24/2005			YES
Wyman & Simpson, Inc.	5/18/1993			YES
Xerox Corp.	11/10/2016			YES
Xpress Natural Gas	2/12/2012	1/16/2013	3/12/2013	NO
York Hospital	10/18/2016			YES
Zampell Refractories, Inc.	12/30/1993	12/30/1993	12/30/1993	YES
<i>Policy Totals</i>	<i>526</i>	<i>147</i>	<i>86</i>	

NOTE: Out of the 541 policies in 2016 that were approved and active, only 399 employers responded to the mandatory survey, leaving 142 employers that did not respond. Of the 399 that responded, 89 were employers that did not conduct any testing in 2016.

